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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,210	02/17/2004	Toshiaki Nakanishi	848075-0072	1941

29619 7590 10/19/2006
SCHULTE ROTH & ZABEL LLP
ATTN: JOEL E. LUTZKER
919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,210

Applicant(s)

NAKANISHI, TOSHIAKI

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02-17-2004, 11-07-2005, 03-13-2006 and 09-18-2006, the information disclosure statement has been considered by the examiner.

Drawings

2. The drawings are objected to because figures 1, 2 and 4 contain Japanese characters. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kohno (U.S. Patent No. 6,522,898).

Regarding claim 1, Kohno teaches a base station (see figs. 1-2, base station 32 and 33, col. 5, lines 2-8), which communicates with a radio terminal (see fig. 2, base station 32, communication with radio terminal N 1-3, col. 5, lines 2-33), comprising: an adaptive antenna (see fig. 2, antennas 41, col. 5, lines 35 - col. 6, lines 28); a receiving condition acquisition

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portion for acquiring a signal concerning a receiving condition of the radio terminal from the radio terminal (see fig. 2, communication request receiving section 55, and terminal identification section 56, and also see figs. 3, 4A-B and 5, col. 6, lines 28-47, col. 7, lines 31-col. 8, lines 43); and a directivity control portion for controlling the directivity of the adaptive antenna based on the acquired signal concerning the receiving condition of the radio terminal (see fig. 2, directivity controller 59, and fig. 4B for directivity control portion of signal D3 shows a directional pattern of the adaptive antenna on the base station, after a terminal station has been specified to be requesting terminal by the terminal, also see col. 3, lines 2-51, col. 6, lines 28-57, and col. 8, lines 5-54).

Regarding claim 2, Kohno teaches wherein the directivity control portion sets the to be non-directional (see fig. 11A, when no terminal station with which connection is to be set up is specified, the controller 59 sets the directional pattern of the directivity control portion sets to omnidirectional directional pattern (non-directional) DF for S1-S8; see col. 13, lines 36-42), until a connection request is received from the radio terminal (see fig. 11B, when communication request occurs in the terminal station N3 sends a terminal identification signal and communication request signal to base station 32, col. 13, lines 43-46), and controls the directivity of the adaptive antenna based on the acquired signal concerning the receiving condition of the radio terminal after receiving the connection request from the radio terminal (see fig. 11B, directional pattern D3, when communication request signal to base station 32, upon receiving these signals, base station start communication with the terminal station N3, and resets it

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transmitting/receiving directional pattern of adaptive antenna to the optimum directional pattern as indicated as directional pattern D3 in fig. 11B, see col. 13, lines 43-53).

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh 
Division 2618
October 14, 2006

PATENT EXAMINER
TRINH, TAN

